

# EXHIBIT 17

JAN 18 2005 12:11 PM FR DECHERT

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Version submitted to jury. 1/26/03

## QUESTIONS TO BE ANSWERED BY THE JURY

## NEGLIGENCE

1. Was the Defendant, Philip Morris, Inc., negligent for failure to warn of health hazards from smoking cigarettes prior to July 1, 1969?

YESNO

If your answer to this Question is No, then Plaintiff cannot recover under negligence. Do not answer Questions 2 through 5. Proceed to Question 6 involving products liability.

If your answer to this Question is Yes, then proceed to Question 2.

2. Was the Defendant's negligence a substantial factor in bringing about harm to the Deceased, Katie Carter?

YESNO

If your answer to this Question is No, then Plaintiff cannot recover under negligence. Do not answer Questions 3 through 5. Proceed to Question 6 involving products liability.

If your answer to this Question is Yes, then proceed to Question 3.

## CONTRIBUTORY NEGLIGENCE

3. Was the Deceased, Katie Carter, contributorily negligent?

YESNO

If your answer to this Question is No, then proceed to Question 6 involving products liability. Do not answer Questions 4 and 5.

If your answer to Question 3 is Yes, then proceed to Question 4.

4. Was the Deceased's contributory negligence a substantial factor in bringing about harm to her?

YESNO

If your answer to this Question is No, then proceed to Question 6 involving products liability. Do

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not answer Question 5.

If your answer to this Question is Yes, then proceed to Question 5.

#### APPORTIONMENT

5. Taking the combined negligence that was a substantial factor in bringing about the Plaintiff's harm as 100%, what percentage of that causal negligence was attributable to the Defendant and what percentage was attributable to the Decedent, Katie Carter:

Percentage of causal negligence attributable to Defendant, Philip Morris, Inc. \_\_\_\_\_%

Percentage of causal negligence attributable to Decedent, Katie Carter \_\_\_\_\_%

TOTAL 100%

If you have found Decedent's causal negligence to be greater than 50%, then her estate cannot recover under negligence.

Regardless of your answer to this Question, proceed to Question 6 involving products liability.

#### PRODUCTS LIABILITY

6. Prior to July 1, 1969, were the cigarettes manufactured by Defendant, Philip Morris, Inc., defective because there was a failure to adequately warn of the health hazards from smoking cigarettes?

~~YES~~

NO

If your answer to this Question is No, then Plaintiff cannot recover under products liability. Do not answer Questions 7 through 9. Proceed to Question 10 involving conspiracy.

If your answer to this Question is Yes, then proceed to Question 7.

7. Did the Deceased, Katie Carter, smoke cigarettes manufactured by the Defendant, Philip Morris, Inc.?

~~YES~~

NO

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If your answer to this Question is No, then Plaintiff cannot recover under products liability. Do not answer Questions 8 and 9. Proceed to Question 10 involving conspiracy.

If your answer to this Question is Yes, proceed to Question 8.

### CAUSATION ISSUES

8. Would the deceased, Katie Carter, have heeded the warning(s) and stopped smoking?

YES

~~NO~~

If your answer to this Question is No, then Plaintiff cannot recover under products liability. Do not answer Question 9. Proceed to Question 10 involving conspiracy.

If your answer to this Question is Yes, then proceed to Question 9.

9. Was a defect in failing to provide an adequate warning a substantial factor in bringing about harm to the Deceased, Katie Carter?

YES

NO

If your answer to this Question is No, Plaintiff cannot recover under products liability. Do not answer Question 10. Proceed to Question 11 involving conspiracy.

If your answer to this Question is Yes, proceed to Question 10.

### ASSUMPTION OF THE RISK

10. Prior to July 1, 1969, did the Deceased, Katie Carter, voluntarily and knowingly assume the risk of smoking?

~~YES~~

NO

If your answer to this Question is No, then Plaintiff cannot recover under products liability.

Regardless of your answer to this Question, proceed to Question 11 involving conspiracy.

yes

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**CONSPIRACY**

11. Did the Defendant, Philip Morris, Inc., engage in a malicious conspiracy to misrepresent the harmful effects of cigarette smoking prior to July 1, 1969?

~~10/2~~ YES

~~NO~~

If your answer to this Question is No, then Plaintiff cannot recover under conspiracy.

If you have found no liability under both the negligence and products liability claims, then do not answer any further Questions and return to the Courtroom.

If you have found liability, however, under either or both of the negligence and products liability claims, do not answer Question 12. Proceed to Question 13 involving damages.

If your answer to this Question is Yes, then proceed to Question 12.

12. Was the conspiracy a substantial factor in bringing about harm to the Deceased, Katie Carter?

YES

NO

If your answer to this Question is No, then Plaintiff cannot recover under conspiracy. If you have found no liability under both the negligence and products liability claims, then do not answer Question 13 involving damages. Return to the Courtroom.

If you have found liability, however, under either or both the negligence and products liability claims, proceed to Question 13 involving damages.

If your answer to this Question is Yes, then proceed to Question 13 involving damages.

**DAMAGES TO THE ESTATE OF KATIE CARTER**

13. State the amount of damages, if any, sustained by Mrs. Carter's Estate under the following items:

1. Under Wrongful Death Act

(a) Hospital and medical expenses

\$ \_\_\_\_\_

(b) Funeral and administrative expenses

\$ \_\_\_\_\_

TOTAL (a)&(b)

\$ ~~100,000~~

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2. Under Survival Act

(a) Conscious pain and suffering of Mrs. Carter arising from lung cancer until her death	\$ _____
(b) Net loss of earning capacity to Mrs. Carter (net means gross income less support and maintenance to herself)	\$ _____
TOTAL (a)&(b)	\$ _____

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CHAIRPERSON